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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,396	05/22/2000	Sung Do	310048-499	1898

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Los Angeles, CA 90067-3024

EXAMINER
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AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/18/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-16

<b>Office Action Summary</b>	Application No. <b>09/575,396</b>	Applicant(s) <b>Do et al.</b>	
	Examiner <b>Nasser Ahmad</b>	Art Unit <b>1772</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Dec 2, 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 142-150 and 174-225 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 142-150, 178, 180-183, 187-189, 218, and 219 is/are allowed.
- 6) ☒ Claim(s) 174-177, 179, 184-186, 190-217, and 220-225 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

1. Applicant's arguments with respect to claims 24-29, 32-37, 39-47, 52-57, 60-66, 68-87, 126-141 and 151-173 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 174-177, 179, 184-186, 190-217 and 220 are rejected under 35 U.S.C. 102(b) as being anticipated by Chigot (5,484,168).

Chigot relates to a label construction comprising a liner sheet (2), and a facestock (7) attached to the liner sheet, the facestock including at least one weakened separation lines (13-15) defining at least in part a plurality of aligned facestock labels (7, 12). The liner sheet (2) includes at least one weakened separation line (13-15) separating it into a removable liner strip <sup>20</sup>(~~2~~) and a liner body position (~~2~~). The liner sheet bar is assumed to be (25) is shown as connected to strip (20).

The facestock would include ties because Chigot's die cutting of labels is not a "continuous" die cut.

Figure 1 of Chigot shows plurality of first and second labels separated by liner (5) in this space between said first and second labels.

For claim 192, the first and second liner strips can be (20) and (2) as shown in figure 2 of Chigot.

The label facestock extends out from an edge (22) of the liner sheet to meet the limitation of claim 193.

The facestock cut-lines defines a handle portion (16) separable as a unit from the liner sheet along line (17).

The intended use phrases such as "when in a separate position", "being positionable", "when in the removed position", "is positionable", "being separable", etc. have not been given patentable weight as said phrases are not found to be positive limitations.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 222-225 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chigot.

Chigot, as discussed above, fails to teach that the facestock includes three labels. It would have been obvious to one having ordinary skill in the art to modify Chigot to have three labels based on duplication of parts or optimization of usable labels based on routine experimentation.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 174, 212 and 214-217 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 174, the phrase "a liner sheet bar" could not be understood in the absence of any description in the Specification and drawings and said phrase is found to be indefinite.

Claims 212, 214, 215, 216 and 217 are improperly dependent from canceled claims 128.

9. Claims 142-150, 178, 180-183, 187-189, 218 and 219 are free of the prior art uncovered so far. The prior art fails to teach that the aligned facestock labels are interconnected by thin facestock necks, that the top edge of each label is free standing and unattached to the facestock, that the stack of tabbed divider sheet have staggered tabs, that the serially connected liner strip portions are interconnected by thin neck, that the thin neck portions of the facestock is uncoated.

10. Any inquiry concerning this communication from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can generally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers

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for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad/dh  
March 17, 2003

  
**NASSER AHMAD**  
**PRIMARY EXAMINER**